

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00640-BNB

MARK EUGENE HOWARD,

Plaintiff,

v.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LAS ANIMAS
IN THE STATE OF COLORADO,
LAS ANIMAS COUNTY SHERIFF [sic] OFFICE,
LAS ANIMAS COUNTY SHERIFF JAMES R. CASIAS,
LAS ANIMAS COUNTY UNDERSHERIFF DEREK NAVARETTE,
LAS ANIMAS COUNTY OFFICE OF THE COUNTY ATTORNEY,
LAS ANIMAS COUNTY ATTORNEY MARY D. NEWNAM,
JESSIE MANZANARES, Attorney,
TIMOTHY P. SCHIMBERG, Attorney,
FOWLER, SCHIMBERG, FLANAGAN, P.C.,
JONATHAN CROSS, Attorney,
SEAN LANE, Attorney,
CROSS AND LANE, P.C., and
COUNTY TECHNICAL SERVICES INCORPORATED,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN 04 2009

GREGORY J. LANGHAM
CLERK

ORDER TO REOPEN

On May 28, 2009, the Court dismissed the amended complaint filed by Plaintiff, Mark Eugene Howard, and the instant action without prejudice for failure to comply with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. The dismissal order was filed on May 29, 2009, and judgment was entered on the same day. On May 28, the same day the dismissal order was signed, Mr. Howard filed a second amended complaint. Therefore, the Court will vacate the dismissal order and judgment filed on May 29, reopen the instant action, and consider the second amended

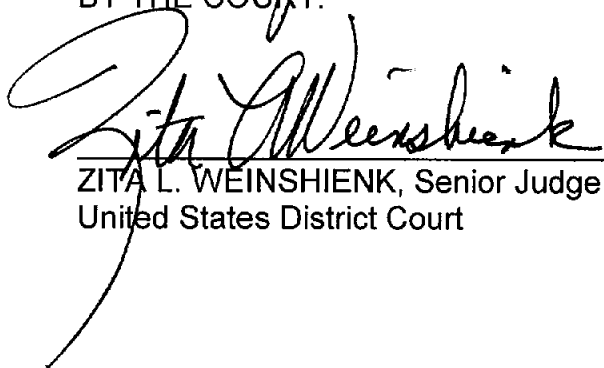
complaint filed on May 28. Accordingly, it is

ORDERED that the dismissal order and judgment entered on May 29, 2009, are vacated. It is

FURTHER ORDERED that this action is reopened so that the Court may consider the second amended complaint filed on May 28, 2009.

DATED at Denver, Colorado, this 4 day of June, 2009.

BY THE COURT:



ZITA L. WEINSHIENK, Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 09-cv-00640-BNB

Mark Eugene Howard
Prisoner No. A0233684
Criminal Justice Center B4, 1
2739 East Las Vegas Street
Colorado Springs, CO 80906

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 6/4/09

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk